

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSUE PAGUADA, <i>on behalf of himself and all others similarly situated,</i>	:	
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Plaintiffs,	:	20-CV-6667 (JPC)
	:	
-v-	:	<u>ORDER</u>
	:	
HOMESUBLIME, LLC,	:	
	:	
Defendant.	:	
	:	
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DOCUMENT
ELECTRONICALLY FILED
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JOHN P. CRONAN, United States District Judge:

Plaintiff Josue Paguada filed the Complaint in this action on August 20, 2020. (Dkt. 1.) Defendant Homesublime, LLC was served with the Complaint on September 4, 2020, making its answer due by September 25, 2020. (Dkt. 8.) Defendant has neither appeared in this action nor answered the Complaint. On October 28, 2020, Plaintiff requested an adjournment of the Initial Pretrial Conference scheduled for November 2, 2020, at 10:40 a.m. (Dkt. 10.) Plaintiff further requested an additional 30 days to obtain the Certificate of Default and move for summary judgment. (*Id.*) Both requests were granted, (Dkt. 11). On December 14, 2020, Plaintiff filed a Proposed Clerk's Certificate of Default, (Dkt. 12), and requested 21 additional days to attempt to contact Defendant or move for Default Judgment.

It is hereby ORDERED that no later than January 13, 2021, Plaintiff shall move for default judgment as to Defendant, in accordance with Local Civil Rule 55.2 and 3.F of the Court's Individual Rules and Practices for Civil Cases, or show cause why this case should not be dismissed for failure to prosecute. Pursuant to this Court's Individual Rules, Plaintiff must serve his motion for default judgment and supporting paperwork on Defendant and file an Affidavit of Service on ECF by January 27, 2021. Defendant shall file any opposition to the motion for default judgment

no later than February 10, 2021. Plaintiff shall file any reply no later than February 17, 2021.

It is further ORDERED that Defendant appears and shows cause at a hearing before this Court on February 24, 2021, at 12:00 p.m., why an order should not be issued granting a default judgment against Defendant. That hearing shall take place telephonically. At the scheduled time, counsel for all parties should call (866) 434-5269, access code 9176261. In the event that Defendant appears in this case and opposes the motion for default judgment prior to the scheduled court appearance on February 24, 2021, that court appearance shall also serve as an Initial Case Management Conference pursuant to Rule 5.B of the Court's Individual Rules and Practices in Civil Cases in the event the Court declines to issue a default judgment at the hearing.

It is further ORDERED that Plaintiff serve Defendant via overnight courier with a copy of this Order within one week of the date of this Order. Within two business days of service, Plaintiff must file proof of such service on the docket.

The Clerk of Court is respectfully directed to close the motion pending on Dkt. 14.

SO ORDERED.

Dated: December 14, 2020

New York, New York


JOHN P. CRONAN
United States District Judge